

## PROFESSIONAL LICENSURE DIVISION[645]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences hereby gives Notice of Intended Action to amend Chapter 61, “Licensure of Salons and Schools of Cosmetology Arts and Sciences,” Iowa Administrative Code.

These proposed amendments establish rules for a cosmetology school to teach a single course curriculum. The amendments establish the prescribed minimum physical and equipment requirements and reduce the number of instructors required on site if the school is offering only clinic services or theory instruction to fewer than 15 students. All other changes are technical in nature.

Any interested person may make written comments on the proposed amendments no later than November 20, 2012, addressed to Susan Reynolds, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail [susan.reynolds@idph.iowa.gov](mailto:susan.reynolds@idph.iowa.gov).

A public hearing will be held on November 20, 2012, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

After analysis and review of this rule making, a positive impact on jobs could exist. This rule making allows cosmetology schools more flexibility in providing education and instruction to cosmetology students.

These amendments are intended to implement Iowa Code section 157.8.

The following amendments are proposed.

ITEM 1. Rescind rule 645—61.12(157) and adopt the following new rule in lieu thereof:

#### **645—61.12(157) Physical requirements for schools of cosmetology arts and sciences.**

**61.12(1)** Cosmetology schools offering cosmetology courses of study as specified in 645—61.14(157) shall meet the following physical requirements. In addition to the cosmetology courses, the school may offer courses of study for electrology, esthetics, and nail technology.

*a.* The school premises shall have a minimum floor space of 3000 square feet and, when the enrollment in a school exceeds 30 students, additional floor space of 30 square feet shall be required for each additional student enrolled in the school.

*b.* Each licensed school shall provide at least one clinic area where the paying public will receive services. The clinic area shall be confined to the premises occupied by the school.

*c.* A school shall provide a theory classroom(s) separate from the clinic area.

*d.* Each school shall maintain a library for students consisting of textbooks, current trade publications and business management materials.

*e.* The school shall have a separate area to be used as a dispensary. The dispensary shall be equipped with lavatory, shelves or drawers for storing chemicals and sanitized articles, a wet sterilizer and any other sanitation items required in 645—Chapter 63.

*f.* Two restrooms shall be equipped with toilets, lavatories, soap and towel dispensers.

*g.* A laundry room shall be separated from the clinic area by a full wall or partition.

*h.* A separate room shall be equipped for the practice of esthetics and electrology.

*i.* Each licensed school shall have an administrative office.

**61.12(2)** Schools that teach only one course of study for nail technology, esthetics or electrology shall meet the following physical requirements:

*a.* The school premises shall have a minimum floor space of 1000 square feet and, when the enrollment in a school exceeds 10 students, additional floor space of 30 square feet shall be required for each additional student enrolled in the school.

*b.* Each licensed school shall provide at least one clinic area where the paying public will receive services. The clinic area shall be confined to the premises occupied by the school.

*c.* A school shall provide a theory classroom(s) separate from the clinic area; or alternatively, one area may be used for both theory instruction and clinical services if the course schedule clearly demonstrates that theory instruction and clinical services are not taught simultaneously.

*d.* Each school shall maintain a library for students consisting of textbooks, current trade publications and business management materials.

*e.* The school shall have a separate area to be used as a dispensary. The dispensary shall be equipped with lavatory, shelves or drawers for storing chemicals and sanitized articles, a wet sterilizer and any other sanitation items required in 645—Chapter 63.

*f.* Two restrooms shall be equipped with toilets, lavatories, soap and towel dispensers.

*g.* A laundry room shall be separated from the clinic area by a full wall or partition.

*h.* Each licensed school shall have an administrative office.

ITEM 2. Rescind rule 645—61.13(157) and adopt the following **new** rule in lieu thereof:

**645—61.13(157) Minimum equipment requirements.**

**61.13(1)** Each school offering a cosmetology course shall have the following minimum equipment:

*a.* Workstations equipped with chair, dresserette, closed drawer or container for sanitized articles, and mirror (maximum of two students per unit);

*b.* One set of textbooks for each student and instructor;

*c.* Shampoo bowls located in the clinic area and readily accessible for students and clients;

*d.* Audiovisual equipment available for each classroom;

*e.* Chair and table area for each student in the classroom; and

*f.* Labeled bottles and containers showing intended use of the contents.

**61.13(2)** Each school offering a nail technology course shall have the following minimum equipment:

*a.* Workstations equipped with patron chair, manicuring table and student chair for every two students enrolled;

*b.* Pedicure station for every two students enrolled;

*c.* One set of textbooks for each student and instructor;

*d.* Audiovisual equipment available for each classroom;

*e.* Chair and table area for each student in the classroom; and

*f.* Labeled bottles and containers showing intended use of the contents.

**61.13(3)** Each school offering an esthetic course shall have the following minimum equipment:

*a.* One workstation for every two students enrolled;

*b.* One facial chair for every three students enrolled;

*c.* One set of facial equipment for four workstations;

*d.* One set of textbooks for each student and instructor;

*e.* Audiovisual equipment available for each classroom;

*f.* Chair and table area for each student in the classroom; and

*g.* Labeled bottles and containers showing intended use of the contents.

ITEM 3. Rescind rule 645—61.15(157) and adopt the following **new** rule in lieu thereof:

**645—61.15(157) Instructors.** All instructors in a school of cosmetology arts and sciences shall be licensed by the department.

**61.15(1)** The number of instructors for each school of cosmetology arts and sciences shall be based upon total enrollment, with a minimum of 2 licensed instructors employed on a full-time basis for up to 30 students and an additional instructor for each additional 15 students. The school shall have 2 instructors on duty during school hours. A student instructor shall not be used to meet licensed instructor-to-student ratios.

*a.* A school operated by an area community college prior to September 1, 1982, with only 1 instructor per 15 students is not subject to this subrule and may continue to operate with the ratio of 1 instructor to 15 students. A student instructor shall not be used to meet licensed instructor-to-student ratios.

*b.* A school with fewer than 30 students enrolled may have 1 licensed instructor on site in the school if offering only clinic services or only theory instruction in a single classroom and fewer than 15 students are present.

*c.* A school offering clinic services and theory instruction simultaneously to fewer than 15 students must have at least 2 licensed instructors present.

*d.* A school with more than 30 students enrolled shall have at least 2 licensed instructors on site.

**61.15(2)** An instructor teaching a course in electrolysis, esthetics or nail technology shall also hold a license in that practice or hold a cosmetology license that shows proof of having completed training in those practices equivalent to that of a license holder in that practice.

**61.15(3)** An instructor teaching a course in microdermabrasion, chemical peels, IPLs and lasers shall be certified by the state of Iowa to provide each of the services, as set forth in rule 645—60.4(157).

**61.15(4)** An instructor shall:

*a.* Be responsible for and in direct charge of all theory and practical classrooms and clinics at all times;

*b.* Familiarize students with the different standard supplies and equipment used in salons; and

*c.* Not perform cosmetology services, with or without compensation, on the school premises except for demonstration purposes.